

UNITED STATES BANKRUPTCY COURT

Southern District of Georgia

In the matter of:

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)
Chapter: 13
Randale Lamar Washington &
Angela Sherise Washington,
Debtors.
)
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Case No.:19-10023
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Randale Lamar Washington &
Angela Sherise Washington,
Movants,
)
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)
)
)
Dick Smith Auto Sales LLC,
Respondent.
)

NOTICE OF OBJECTION TO CLAIM

Movant has objected to your claim filed in this bankruptcy case.

Your claim may be reduced, modified or eliminated. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you have legal grounds to oppose the objection, or if you wish the court to consider your views on the objection, you must file a written request for a hearing with Clerk of the Bankruptcy Court before the expiration of thirty (30) days from the date stated in the certificate of service.

If you mail your request for hearing to the court, you must mail it early enough so that it will be received within the time referenced above.

Any request for a hearing must also be mailed to the moving party and all other persons indicated in the certificate of service attached to these pleadings.

If a timely request for hearing is filed, you will receive a notice of the date, time, and place of hearing.

If you or your attorney do not take these steps, the court will decide that you do not oppose the objection to your claim.

Claimant has been served with a copy of the objection and a copy of this notice, and if claimant is a U.S. government agency, the U.S. Attorney, P.O. Box 8970, Savannah, GA 31412 (or P.O. Box 2017, Augusta, GA 30903), and the Attorney General in Washington, D.C. 20530 have also been served.

Date December 21, 2020

/s/ Kathryn A. Brow Aho

Attorney

Lucinda Rauback, Clerk
United States Bankruptcy Court
Southern District of Georgia

UNITED STATES BANKRUPTCY COURT
Southern District of Georgia
Augusta Division

In re:

Randale Lamar Washington &
Angela Sherise Washington,
Debtors.

Case: 19-10023

Chapter: 13

Judge Susan D. Barrett

Randale Lamar Washington &
Angela Sherise Washington,
Movants,

vs.

Dick Smith Auto Sales LLC,
Respondent.

OBJECTION TO PROOF OF CLAIM NUMBER TWELVE

Movants, Randale Lamar Washington & Angela Sherise Washington, hereby object to the proof of claim (“PoC 12”) filed by Respondent, Dick Smith Auto Sales LLC. In support of this objection, Movants state as follows:

1. On January 8, 2019, Movants filed a Chapter 13 bankruptcy petition. (Dckt. no. 1.)
2. On February 13, 2019, Respondent filed PoC 12 for \$1,569.39. (PoC 12.)
3. Debtors dispute amount owed to Respondent. The 2004 Dodge Ram was totaled, and the insurance company used the insurance proceeds to pay this claim directly to Dick Smith Auto Sales LLC. In addition, Dick Smith Auto Sales LLC has been overpaid by at least \$76.31.

WHEREFORE, Movant respectfully requests an order striking the proof of claim filed by Respondent, Dick Smith Auto Sales LLC, and for such additional relief as may be just and proper.

Respectfully submitted on December 21, 2020.

/s/ Kathryn A. Brow Aho
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UNITED STATES BANKRUPTCY COURT
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In re:

Randale Lamar Washington &
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Randale Lamar Washington &
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Dick Smith Auto Sales LLC,
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ORDER

Before this Court is Movants' *Objection to Proof of Claim Number Twelve* regarding the proof of claim filed by Respondent, Dick Smith Auto Sales LLC. After notice and Respondent's having failed to respond by the deadline, Movants' objection is hereby GRANTED.

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Therefore, it is hereby ORDERED that *Proof of Claim Number Twelve* filed by Respondent, Dick Smith Auto Sales LLC, is stricken.

[END OF DOCUMENT]

Prepared by: /s/ Kathryn A. Brow Aho
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Dick Smith Auto Sales LLC,
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Case: 19-10023

Chapter: 13

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were served on December 21, 2020, by CM/ECF electronic notice, on the following:

Huon Le
Office of the Chapter 13 Trustee
notices@chp13aug.org

and on December 21, 2020, by placing copies for collection and mailing on December 21, 2020, first-class postage prepaid, on the following:

Dick Smith Auto Sales LLC
Attn: Officer/Agent
3125 Mike Padgett Highway
Augusta, GA 30906

Respectfully submitted on December 21, 2020.

/s/ Kathryn A. Brow Aho
Kathryn A. Brow Aho (GA Bar #: 425482)
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